

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FELESTASIA G. MAWERE,

Plaintiff,

V.

CITCO FUND SERVICES (USA),
HANIA ABROU- MCCARTHY, and
ANN FECHETTE

Defendants.

09 Civ. 1342 (BSJ) (DCF)

Order

BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

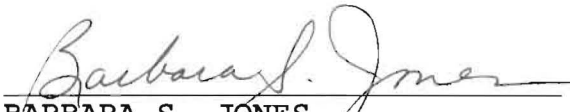
On February 7, 2011, Magistrate Judge Freeman issued a Report and Recommendation ("R&R"), recommending denial, without prejudice, of Defendants' motion for attorneys' fees and costs against Plaintiff. (Dkt. 31.) In particular, Magistrate Judge Freeman recommends denying Defendants' motion, without prejudice to renew their requests for (a) attorneys' fees and costs incurred in connection with only the portions of Plaintiff's deposition relating to her claims under Title VII of the Civil Rights Act of 1964 ("Title VII"), (b) attorneys' fees and costs incurred for performing summary judgment research only with respect to Plaintiff's claims under Title VII, 48 U.S.C. § 1981, and 48 U.S.C. § 1983, and (c) attorneys' fees and costs incurred

in connection with seeking the above, consistent with the limitations provided in (a) and (b).

Magistrate Judge Freeman instructed both parties that failure to file objections within fourteen (14) days of the R&R would result in waiver of objections and preclude appellate review. Neither party filed written objections within that timeframe. Accordingly, both parties waived their objections and appellate review is precluded. See IUE AFL-CIO Pension Fund v. Herrmann, 9 F.3d 1049, 1054 (2d Cir. 1993); see also Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989) (per curiam).

Upon review and consideration of the R&R, the Court finds it is neither "clearly erroneous" nor "contrary to law." See Fed. R. Civ. P. 72. The Court, thus, adopts the R&R, and DENIES, without prejudice, Defendants' motion for attorneys' fees and costs (Dkt. 21). No appeal may be taken from this Order.

SO ORDERED:


BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
February 28, 2011